

STATE OF MICHIGAN
IN THE SUPREME COURT

IN RE HON. J. CEDRIC SIMPSON,

Sup Ct #150404
JTC Formal Complaint #96

Respondent.

PETITION TO REJECT OR, IN THE ALTERNATIVE, TO MODIFY RECOMMENDATION
OF THE JUDICIAL TENURE COMMISSION

Now comes Hon. J. Cedric Simpson, Respondent in this matter, by and through his attorneys Kenneth M. Mogill and Erica N. Lemanski, and pursuant to the provisions of MCR 9.224(A), petitions this Court for an Order rejecting or, in the alternative, modifying the August 31, 2015, Decision and Recommendation for Discipline of the Judicial Tenure Commission in this matter for the following reasons:

1. On August 31, 2015, the Judicial Tenure Commission issued a Decision and Recommendation for Discipline in this matter recommending that Respondent be removed from office.

2. For the reasons detailed in the attached Brief, the Commission's Decision and Recommendation are unsupported by the record and should, therefore, be rejected by this Court. Specifically:

a. The evidence presented before the Master did not establish that Respondent (1) interfered with a police investigation, (2) interfered with a criminal prosecution or (3) made any misrepresentations in his communications with the Commission or in his testimony before the Master, and the Commission, therefore, erred in finding that Judge Simpson engaged in any judicial misconduct, particularly misconduct in office; and

b. Even if the evidence could arguably be viewed as warranting a finding that Judge

Simpson violated MCJC Canon 2(a), application of the standards set out in *In re Brown*, 461 Mich 1291 (2000), to the facts of this case, including consideration of the isolated nature of the conduct at issue, Judge Simpson's fine background and his appropriate attitude toward future conduct, does not warrant either removal from office or a substantial suspension.

WHEREFORE, Respondent prays this Court for an Order rejecting or, in the alternative, modifying the recommendation of the Judicial Tenure Commission in this matter as requested in the attached Brief.

Respectfully submitted,

/s/Kenneth M. Mogill

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/s/Hon. J. Cedric Simpson

Hon. J. Cedric Simpson

Dated: October 27, 2015

CERTIFICATE OF OF SERVICE

Kenneth M. Mogill states that on the 27th day of October 2015, he served copies of the following:

Petition to Reject or, in the Alternative, to Modify Recommendation of the Judicial Tenure Commission

Brief in Support of Petition to Reject or, in the Alternative, to Modify Recommendation of the Judicial Tenure Commission

Appendix

upon Paul J. Fischer, Esq., at FischerP@courts.mi.gov and Margaret N. S. Rynier, Esq., at RynierM@courts.mi.gov.

/s/Kenneth M. Mogill

Kenneth M. Mogill